

REMARKS/ARGUMENTS

The following arguments are provided to impart precision to the foregoing claims by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,249,755B1 (hereinafter "Yemini") in view of U.S. Patent 5,107,499 (hereinafter "Lirov").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claims 1, 8, and 15 include limitations that are not disclosed or suggested by Yemini. In particular, Applicant's independent claims include the limitation, or limitation similar thereto, of identifying significant ones of behavioral properties based on measured behavioral data in a computer system, determining an insight associated with said significant ones of behavioral properties, and determining an advice associated with the insight.

As Examiner noted in the current office action, Yemini does not teach such limitations. Specifically, Yemini fails to teach or disclose determining an advice associated with the insight, as is claimed by Applicant. Accordingly, Lirov must teach the missing elements in order to have a proper rejection under 35 U.S.C. § 103(a).

However, Lirov fails to teach such limitations. Rather, Lirov is directed to the interactive communication between a user and a troubleshooting system. Lirov teaches communicating advice to the user responsive to the skill level classification of the user.

The skill level of the user can be classified into one of a plurality of skill levels responsive to the comparison of the actions of the user. The comparison of the present actions of the user with the prior actions of the user is based on a structuring of prior actions of the user as pairs in a multi-branch tree in the learning knowledge base. (Lirov, col. 2, lines 46 – 63). Furthermore, Lirov describes a system in which the first component is a graphic input interface which allows a user to communicate specific measurements to the troubleshooting expert system. The second component is a learning knowledge base which stores actions of the user. The third component is the user classifier, which compares prior actions of the user with present actions of the user. The fourth component is the user advice classifier, which allows the expert system to classify advice responsive to the skill level of user troubleshooting expertise as provided by the user action classifier. (Lirov, col. 3, lines 32 – 62). Thus, Lirov teaches communicating advice to a user based on user action. (Lirov, Fig. 1). Accordingly, there is no discussion or desire in Lirov for possibly determining an advice associated with insight, as is claimed by Applicant.

Therefore, since there is no suggestion or motivation to combine the reference teachings or to modify Yemini or Lirov to include the above limitations, the references, cannot render independent claims 1, 8, and 15 as obvious.

Claims 2-7, 9-14, and 16-20 depend from one of the foregoing independent claims and include the novel limitations discussed above. Therefore, Yemini cannot render claims 2-7, 9-14, and 16-20 as obvious, Lirov cannot render claims 2-7, 9-14, and 16-20 as obvious, and the references in combination cannot render claims 2-7, 9-14, and 16-20 as obvious.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

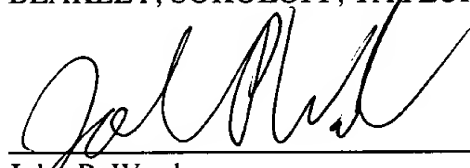
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: \_\_\_\_\_

8/5/03



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